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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,663

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Hans Robertson

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EXAMINER

PATS, JUSTIN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,663	Applicant(s) ROBERTSON, HANS	
	Examiner JUSTIN M. PATS	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6-21-06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Notice to Applicant

1. The following is a non-final, first office action responsive to applicant's communication of 6/21/06. Claims 1–8 are pending in this application and have been rejected below. Applicant's preliminary amendment to the claims filed 6/21/06, has been entered, in which Applicant amended claims 1, 4–5, and 8. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)–(d). Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5–8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Specifically, claim 5 recites the limitation "presentation means" in the associating step. There is insufficient antecedent basis for this limitation in the claim. As such, this limitation is considered unclear and indefinite. For examination purposes, Examiner will interpret this phrase as comprising a computing device display or its equivalent.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al., U.S. Pub. 2004/0043758 [hereinafter Sorvari] in view of Street et al., U.S. 2004/0004617 [hereinafter Street].

7. As per claim 1, Sorvari teaches a system for associating time with a specific task, comprising a plurality of sensors arranged on a person or an object and the person's/object's surroundings, said sensors regularly detecting location of said person/object (Fig. 8, 9A–I, 12–13, 16A–H, ref. 806, Positioning Sensor; *see also id.*, ref. 808, Touch Sensor, ref. 810, Light Sensor, ref. 809, Audio Sensor, and ref. 812, Three-Axis Acceleration Sensor; *see also* ¶¶ 0059, discussing different types of sensors, 0123, discussing device with sensors being carried by person; 0276, discussing different locations of sensors), any additional persons/objects in said location (¶ 0388, discussing determination of available Bluetooth devices), and any activity performed in said location (¶¶ 0059, 93), communication means arranged to collect and to store data from said sensors in a context log relating to said person/object (Fig. 8, ref. 826, Network Server, ref. 830 Context-Activity Pairs; Fig. 10, context log; ¶¶ 0087, 90, 157), processing means arranged to select and process data from said context log (Fig. 8, ref. 884, Content Inference

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Engine, ref. 817, Recommendations Algorithms/Engine; ref. 827, Context Inference Engine; Fig. 14A, ref. 1406; ¶¶ 0061, 0235) and presentation means for making said visually accessible (Fig. 8, ref. 802, Main Browser Display area; Fig. 11G, ref. 1159, display filtered recommendations to user; Fig. 14B, ref. 1414), wherein selection means for marking a time period in said context data, and for associating said time period with a representation of said task appearing on said presentation means (Figs. 16C, 16E, showing task preferences and task recommendations with respect to time of day via display; ¶ 0011, discussing that time of day can be used to supplement context-based recommendations; *see also* ¶¶ 0173, 0388–389).

Sorvari does not explicitly teach wherein its processing means is arranged to generate context data in the form of a *graph displaying location and/or activity for said person/object as a function of time*, or wherein the data made visually accessible is *a graph* or wherein the time period marked is with respect to *a graph*. However, Street, in the analogous art of task management and analysis, teaches these concepts (¶¶ 0022, 0031–34, 0036, Figs. 2–3, discussing and illustrating graph of tasks or events as a function of time). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Sorvari to include the teaching of Street for the benefit of enhancing the user's decision making abilities by facilitating deduction and/or inferences of trends from statistical data by displaying data in a user friendly and informative visual format.

8. As per claim 4, Sorvari teaches wherein said processing means are arranged to receive information about documentation associated with data in said context data, and to catalogue said documentation based on its association with said context data (Fig. 8, ref. 815, Service History

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Log; ¶¶ 0087, 1094; *see also* discussion *supra* ¶ 7). Although Sorvari's above teachings are not explicitly applied to a graph, Street teaches the graph concept as taught in the rejection of claim 1 above, and modifying Sorvari to include this feature would have been obvious to one having ordinary skill in the art, providing the benefit of enhancing the user's decision making abilities by facilitating deduction and/or inferences of trends from statistical data by displaying data in a user friendly and informative visual format.

9. Claims 5 and 8 recite limitations that stand rejected via the art citations and rationale applied to claims 1 and 4 respectively as discussed above.

10. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al., U.S. Pub. 2004/0043758 [hereinafter Sorvari] in view of Street et al., U.S. 2004/0004617 [hereinafter Street] further in view of a public use of Activity Monitor software [hereinafter Activity Monitor], as evidenced by softactivity.com, Aug 2003, retrieved from web.archive.bibalex.org, pg. 1–5 [hereinafter softactivity.com].

11. As per claim 2, Sorvari in view of Street does not explicitly teach wherein said processing means further are arranged to calculate the total of all marked time during a day for tasks belonging to a specified working account, and wherein said presentation means are arranged to present said calculated time adjacent said context graph. However, Activity Monitor teaches the concept of calculating the total of all marked time during a day for tasks belonging to a specified working account, and wherein presentation means are arranged to present said calculated time (pg. 5, screenshot showing total duration of tasks for a specified working account; pg. 3–4, screenshots showing duration of tasks over a particular day; *see also* pg. 1, discussing that internet usage can be monitored in real-time and recorded, as well as activity log for all workplaces, and the ability to know what software users run, and how much time they spend on particular applications). It would have been obvious to one having ordinary skill in the art to modify Sorvari in view of Street to include the teaching of Activity Monitor for the benefit of increased productivity by being able to pinpoint inefficiencies and correct them accordingly. Regarding the calculated time being adjacent said context graph, although not explicitly taught by the cited prior art, integrating known elements is considered the equivalent of making parts or

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structures integral and is not considered patentably distinguishable from the cited prior art. See *In re Larson*, 144 USPQ 347, 349; 339 US 965 (CCPA 1965); *In re Wolfe*, 116 USPQ 443, 444; 251 F2d 854 (CCPA 1958) (“it would seem scarcely necessary to point out that merely making a two-piece handle in one piece is not patentable invention because it is an obvious thing to do if deemed desirable.”). As such, integrating the context graph and the calculated time such that they are presented adjacently would have been an obvious modification for one having ordinary skill in the art, noting that one of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp.

12. Claim 6 recites limitations that stand rejected via the art citations and rationale applied to claim 2 as discussed above.

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13. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al., U.S. Pub. 2004/0043758 [hereinafter Sorvari] in view of Street et al., U.S. 2004/0004617 [hereinafter Street] further in view of a public use of Activity Monitor software [hereinafter Activity Monitor], as evidenced by softactivity.com, Aug 2003, retrieved from web.archive.bibalex.org, pg. 1–5 [hereinafter softactivity.com] further in view of Lemelson et al., U.S. Pat. 6,054,928 [hereinafter Lemelson].

14. As per claim 3, Sorvari in view of Street further in view of a public use of Activity Monitor, at least as evidenced by softactivity.com, does not explicitly teach wherein said processing means further are arranged to adjust a precalculated time for the working account in accordance with said calculated total time, and wherein said presentation means are arranged to present said adjusted time adjacent said context graph. However, Lemelson, in the analogous art of activity tracking, teaches wherein processing means are arranged to adjust a precalculated time for the working account in accordance with a calculated total time (col. 5, lines 54–67, discussing decrease or increase in time of travel based on alarm generation time). It would have been obvious to one having ordinary skill in the art to modify Sorvari in view of Street further in view of Activity Monitor to include the teaching of Lemelson for the benefit of increased efficiency and productivity by enabling decision-making that benefits the overall state of the operation. Finally, regarding the adjusted time being adjacent said context graph, although not explicitly taught by the cited prior art, integrating known elements is considered the equivalent of making parts or structures integral and is not considered patentably distinguishable from the cited prior

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art. See *In re Larson*, 144 USPQ 347, 349; 339 US 965 (CCPA 1965); *In re Wolfe*, 116 USPQ 443, 444; 251 F2d 854 (CCPA 1958) (“it would seem scarcely necessary to point out that merely making a two-piece handle in one piece is not patentable invention because it is an obvious thing to do if deemed desirable.”). As such, integrating the context graph and the calculated time such that they are presented adjacently would have been an obvious modification for one having ordinary skill in the art, noting that one of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp.

15. Claim 7 recites limitations that stand rejected via the art citations and rationale applied to claim 3 as discussed above.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Wagner et al., U.S. Pat. 7,386,279 (disclosing a context-based activity monitor for a mobile device)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN M. PATS whose telephone number is (571)270-1363. The examiner can normally be reached on M-F, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Justin M Pats/

Examiner, Art Unit 3623